**RESOLUTION AGREEMENT**
**South Madison Community School Corporation**
**OCR Complaint #05-22-1140**

The South Madison Community School Corporation (Corporation) enters into this Resolution Agreement with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint. The Corporation assures the OCR that it will take the following actions to comply with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d – 2000d-7, and its implementing regulations, at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color or national origin in any education program or activity operated by a recipient of Federal financial assistance from the U.S. Department of Education.

1. By May 31, 2024, the Corporation will provide for OCR's review and approval the Corporation's current policies and procedures for the resolution of race-based harassment complaints. Within 30 days of OCR's approval, the Corporation will publish the policies and procedures on its website and will distribute them to all employees responsible for implementing the policies and procedures.

   **REPORTING REQUIREMENTS:** By May 31, 2024, the Corporation will provide OCR the policies and procedures referenced in this item. Within 45 days following OCR's approval of the policies and procedures, the Corporation will provide documentation to OCR demonstrating its compliance with the remaining provisions of this item.

2. By September 1, 2024, the Corporation will issue a statement to **[redacted content]** (School) parents, students, administrators, faculty, and staff, including sending it by email, posting it in prominent places at the School, and publishing it on the School's website, stating that the Corporation does not tolerate harassment based on race. The statement will encourage any student or parent who believes any student has been subjected to such harassment to report the incident(s) to a designated employee and will provide appropriate contact information for the identified employee. The statement will note the Corporation's commitment to conducting a prompt investigation and remedying the effects of harassment found to have occurred. The statement will make clear that students found to have engaged in harassment based on race will be disciplined up to and including expulsion.

   **REPORTING REQUIREMENT:** By September 15, 2024, the Corporation will provide OCR with documentation that it has issued and posted the statement required by Item #2.

3. By August 30, 2024, the Corporation will provide all School administrators, faculty, and staff with training on the Corporation's policies and procedures that address race-based harassment. The training will include the following components:

   a. The Corporation will remind all personnel of its commitment to have a School environment free from race-based harassment and will explain what they should do if

they believe students have been subjected to harassment based on race, including their duty to immediately report all allegations of possible harassment to a Corporation complaint manager. The training will also include notice that harassment of students based on race will not be tolerated, remedial measures are available to students subjected to harassment, and that students who engaged in race harassment will be disciplined.

b. The Corporation will provide a general overview of Title VI, including how the Title VI regulation's nondiscrimination provisions apply to students, the names and contact information for the Corporation's designated employee(s) to whom students or others may report allegations of race discrimination and harassment, where to locate the Corporation's discrimination and harassment policies and procedures on the Corporation's website, and the existence of OCR and its authority to enforce Title VI.
c. The Corporation will explain its nondiscrimination policies and procedures, including what constitutes race harassment, the role of the Corporation's complaint managers, and disciplinary sanctions related to findings of violations of the Corporation's discrimination and harassment policies and procedures, including the Corporation policy prohibiting retaliation and intimidation.
d. The Corporation will distribute written materials that contain the information discussed.

**REPORTING REQUIREMENT:** By September 15, 2024, the Corporation will provide OCR with documentation that it has provided the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of School employees who attended the training.

4. By August 30, 2024, the Corporation will provide training to all employees who are directly involved in processing, investigating and/or resolving complaints or other reports of harassment on the basis of race, and any counselors or other School personnel who are likely to receive reports of race-based harassment. The training will review the Corporation's policies and procedures prohibiting race-based harassment and include instruction on how to investigate and respond to race-based incidents in a timely and thorough manner, including the appropriate legal standards to apply in such investigations, the importance of evaluating the totality of the circumstances, and the need to take appropriate measures to assure that harassment does not continue during the investigation or recur thereafter and consideration of whether an escalating response may be necessary in view of the severity, frequency or pervasiveness of race harassment complaints. The training will also communicate the criteria to ascertain when a conflict between students may raise an issue of unlawful race-based harassment.

**REPORTING REQUIREMENT:** By September 15, 2024, the Corporation will provide OCR with documentation that it has provided the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of School employees who successfully completed the training.

5. By November 1, 2024, the Corporation will assess the effectiveness of the training referenced in Items #3 and #4 by conducting surveys of the administrators, faculty, staff, and employees who attended the training(s). The surveys for staff trained pursuant to Item #3 of this Agreement will specifically inquire about their knowledge and perceptions about their obligation to report all allegations of possible race harassment to a complaint manager, and the process for doing so. The surveys for the staff trained pursuant to Item #4 of this Agreement will specifically inquire about their knowledge of the process for responding to and investigating race harassment complaints. By June 1, 2025, the Corporation will provide additional training to employees if the surveys reveal that the training provided was not effective.

   **REPORTING REQUIREMENTS:** By September 15, 2024, the Corporation will provide OCR draft surveys for its review and approval. By November 15, 2024, the Corporation will provide documentation to OCR of the results of the surveys and a description of any actions the Corporation proposes to take in response, including conducting additional training sessions to ensure effective training is provided. By June 15, 2025, if additional training sessions are required, the Corporation will provide documentation of completion of the sessions.

6. By August 30, 2024, the Corporation will provide a mandatory, age-appropriate orientation session for all School students on the Corporation's policies and procedures prohibiting race harassment. The orientation will remind students of the Corporation's commitment to have an environment free from harassment and will explain what students should do if they believe they or other students have been subjected to race harassment. The orientation will also include a notice that harassment of students based on race will not be tolerated, remedial measures will be provided to students subjected to the harassment, and students who harass students based on race will be disciplined according to the School's Discipline Guidelines and Rules.

   **REPORTING REQUIREMENT:** By September 15, 2024, the Corporation will provide OCR with documentation that it has provided the orientation referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of School students by name or other identifier who attended the training.

7. By June 1, 2024, the District will send a letter via certified mail to the parents of Student A inviting Student A and her parents to meet with District administrators, at which the Corporation will them an opportunity to identify additional instances of race-based harassment not previously investigated.

   **REPORTING REQUIREMENT:** By June 15, 2024, the District will provide OCR with documentation that it implemented the steps referenced in Item #7. The District will provide OCR a copy of the letter(s), certified mail delivery receipt(s), and, if applicable, any correspondence responding to the District's letter and notes of the meeting.

8. By September 1, 2024, if Student A identifies any additional instances of race-based harassment at the meeting referenced in Item #7, the Corporation will complete an investigation of the alleged harassment, take remedial action against students found to have harassed Student A based on race to ensure such harassment does not recur, including if applicable, discipline, and provide Student A with counseling and other remedial services as appropriate.

   **REPORTING REQUIREMENT:** By September 15, 2024, the Corporation will provide OCR with documentation that it has implemented the steps required by Item #8.

9. If Student A re-enrolls with the Corporation before the end of the 2024-2025 school year, the Corporation will take steps calculated to ensure that Student A is not subjected to race-based harassment on Corporation property and in Corporation programs and activities, including identifying a specific contact person to whom Student A should report incidents of harassment if they occur, and checking in with Student A on a periodic basis to ascertain whether any instances of harassment have occurred and taking prompt and effective responsive action if any harassment has occurred.

   **REPORTING REQUIREMENTS:** Within 30 calendar days of re-enrollment, the Corporation will provide OCR with documentation that it has identified the contact person for Student A. By May 31, 2025, the Corporation will provide OCR with documentation that it conducted the periodic check-ins and, if applicable, documentation of all steps taken in response to reports of any race-based harassment. If Student A does not re-enroll with the Corporation, by May 31, 2025, the Corporation will notify OCR that Student A has not re-enrolled before the end of the 2024-2025 school year.

10. Upon execution of this Agreement, the Corporation agrees to maintain documents relating to verbal and written complaints or other reports of race harassment of School students to ensure that its files contain all information necessary to respond promptly and effectively as required by Title VI. At a minimum, the Corporation agrees to maintain documentation including the following:

    a. a copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of race harassment;
    b. a copy of the complete investigative file including witness statements, notes and other documentary evidence of the Corporation's investigation and findings;
    c. a copy of other written documentation the Corporation provided to the parties informing them of the results of the investigation;
    d. a narrative of all actions taken by Corporation personnel in response to the reports by Corporation personnel, including any supporting documentation;
    e. a copy of any and all disciplinary sanctions issued to students or employees for engaging in unlawful race harassment as documented in the Corporation's policies and procedures;
    f. documentation demonstrating any interim and/or remedial services offered and provided to the alleged injured party, the alleged harasser and/or witnesses of the incident(s), such as counseling or other appropriate support services; and,

g. a narrative of all actions taken to stop the harassment found to have occurred and to prevent recurrence of any incident(s), including any supporting documentation.

**REPORTING REQUIREMENT**: By May 31, 2025, the Corporation will provide to OCR copies of the documentation referenced in Item #10 for the just completed school year.

The Corporation understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the Corporation understands that during the monitoring of this agreement, if necessary, OCR may visit the Corporation, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Corporation has fulfilled the terms of this Agreement. Upon the Corporation's satisfaction of the commitments made under this Agreement, OCR will close this case. The Corporation understands that OCR will not close the monitoring of this Agreement until OCR determines that the Corporation has demonstrated compliance with all the terms of this Agreement and is in compliance with Title VI and its implementing regulations, 34 C.F.R. Part 100, which were at issue in this complaint.

The Corporation understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the Corporation written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the Corporation's representative below.

_____ _____

For the Corporation Date